



6-20-05

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of

HOOPER, JR., William W.

Serial No.: 10/635,973

Filed: August 7, 2003

For: BED FOUNDATION

Confirmation No.: 1264

Group Art Unit: 3673

Examiner: GROSZ, Alexander

"EXPRESS MAIL" MAILING LABEL NUMBER: ED 646834360 US

DATE OF DEPOSIT: June 16, 2005

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37, C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Jose R. Lopez, Jr.  
Jose R. Lopez, Jr.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Dear Sir:

Enclosed herewith is a copy of the following documents for filing with the United States Patent and Trademark Office:

1. Statement of the Substance of the Interview;
2. Copy of Interview Summary and Attachments; and
3. Return Post Card.

The Commissioner is hereby authorized to charge any fee that may be due in connection with this and the attached papers, or to credit any overpayment to Deposit Account No. 50-1990.

Respectfully submitted,

Dated: June 16, 2005

By: Katherine Proctor  
Katherine Proctor  
Registration No. 31,468

GORDON & REES, LLP  
101 West Broadway, Suite 1600  
San Diego, California 92101-8217  
Phone: (619) 696-6700  
Facsimile: (619) 696-7121



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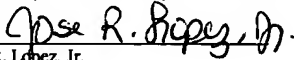
Group Art Unit: 3673

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Jose R. Lopez, Jr.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Dear Sir:

This is in response to the Interview Summary mailed with the Notice of Allowance dated May 23, 2005. A copy of the Interview Summary is enclosed herewith.

Telephone interviews took place between the Examiner and the undersigned representative on February 28, March 7, and March 9, 2005. The invention, the claims, and the prior art used in rejecting the claims in the previous office action were discussed. Agreement was reached as to the allowability of claim 11 over the prior art discussed. It was also agreed that claims 16 to 20 and 24 to 28 would be canceled. Finally, amendments to claims 12, 14, 15 and 23 were agreed upon with the Examiner, as described in the attachment to the Interview Summary Form completed by the Examiner. The general nature of the arguments presented to the Examiner in the interview was as described by the Examiner in the statement of reasons for allowance which accompanied the Notice of Allowability.

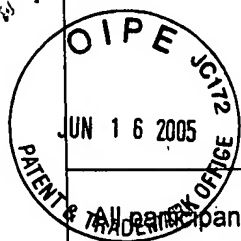
This statement is being filed as specified in MPEP 713.04 within one month of the mailing date of the Interview Summary and includes the items listed in the Summary of Record of Interview Requirements which accompanied the Interview Summary.

Respectfully submitted,

Dated: June 16, 2005

By: Katherine Proctor  
Katherine Proctor  
Registration No. 31,468

GORDON & REES, LLP  
101 West Broadway, Suite 1600  
San Diego, California 92101-8217  
Phone: (619) 696-6700  
Facsimile: (619) 696-7121



## Interview Summary

Application No.

10/635,973

Applicant(s)

HOOPER, WILLIAM W.

Examiner

Alexander Grosz

Art Unit

3673

All participants (applicant, applicant's representative, PTO personnel):

(1) Alexander Grosz.

(3) \_\_\_\_\_

(2) MS PROCTOR

(4) \_\_\_\_\_

Date of Interviews 2/28, 3/7, 3/9/05

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: ALL

Identification of prior art discussed: ALL OF RECORD

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: NOT ATTACHED BY EXAM AMDT.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted.
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## FACSIMILE TRANSMISSION

## GORDON &amp; REES LLP

ATTORNEYS AT LAW  
101 WEST BROADWAY  
SUITE 1600  
SAN DIEGO, CA 92101  
PHONE: (619) 696-6700  
FAX: (619) 696-7124  
WWW.GORDONREES.COM

DATE: March 18, 2005

TO: ALEXANDER GROSZ, EXAMINER

NAME	COMPANY	FAX NO.	PHONE NO.
Alexander Grosz	USPTO	703-746-3835	

FROM: Katherine Proctor

SENDER INFORMATION (NAME / USER ID / EXTENSION): Beverly Erdman / BERDMAN / 7448

FILE NO BGASL 1029907 NUMBER OF PAGES, INCLUDING COVER: 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE PHONE (619) 230-7458 AS SOON AS POSSIBLE.

## MESSAGE:

I, Beverly Erdman, hereby certify that this document is being facsimile transmitted to the United States Patent and Trademark Office on March 18, 2005.

*Beverly Erdman*

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

SAN FRANCISCO ♦ SAN DIEGO ♦ LOS ANGELES ♦ SACRAMENTO ♦ ORANGE COUNTY ♦ LAS VEGAS ♦ PORTLAND ♦ HOUSTON



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

WILLIAM W. HOOPER, Jr.

Serial No.: 10/635,973

Filed: August 7, 2003

TITLE: BED FOUNDATION

Group  
Art Unit: 3673

SUMMARY OF TELEPHONE INTERVIEW  
AND  
INFORMAL PROPOSAL FOR AMENDMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Attention: Alexander Grosz  
Examiner

Dear Sir:

In a telephone interview between the undersigned representative and the Examiner which took place on March 7, 2005, amendments to the claims were discussed which may place this application in order for allowance. The Examiner is thanked for his assistance in this regard.

I, Beverly Erdman, hereby certify that this document is being facsimile transmitted to the United States Patent and Trademark Office on March 18, 2005.

Beverly Erdman



Serial No. 10/635,973

As a result of the discussion with the Examiner, the Applicant would like to informally propose the following claim amendments:

In claim 12, line 1, delete "A bed" and insert: --The foundation as claimed in claim 15, wherein--; delete lines 2 to 12, and in line 13, change "being" to --is--.

In claim 14, line 1, delete "A bed" and insert: --The foundation as claimed in claim 15, wherein--; delete lines 2 to 12, and in line 13, change "having" to --has--.

In claim 15, line 11, delete "a flexible foam layer" and insert --an expanded rigid plastic foam material layer--.

Cancel claims 16 to 20.

In claim 23, line 1, change "16" to --15--.

Cancel claims 24 to 28.

It is believed that the foregoing proposals for amendment of the claims will place this application in order for allowance, and the Examiner is hereby authorized to proceed with an Examiner's amendment making these changes to the claims if he agrees. Alternatively, if any further amendments are required, the Examiner is respectfully requested to contact the undersigned representative at the telephone number below.

Respectfully submitted,

Dated: March 18, 2005

By:

Katherine Proctor  
Katherine Proctor  
Agent for Applicant  
Registration No. 31,468

GORDON & REES LLP  
101 West Broadway, Suite 1600  
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Docket No. BGASL 1029907